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SENATE BILL 623 By
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HOUSE BILL 551
By Wood

AN ACT to amend Tennessee Code Annotated, Section 37-1-406,
relative to victims of unfounded reports of neglect, abuse
or sexual abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-406 (i), is amended by deleting
the subsection in its entirety and substituting in lieu thereof the following:

(i) No later than sixty (60) days after receiving the initial report, the department
or team in cases of child sexual abuse or the department in all other cases shall
determine whether the reported abuse was indicated or unfounded and report its
findings to the department's abuse registry. A determination that a reported abuse is
indicated may not be based upon either an assertion by the department or team of
inadequate time to investigate or solely upon an anonymous report of abuse. Each
member of the team shall be provided with a copy of the report in any case investigated
by the team. In any case investigated solely by the department, the department shall
make a complete written investigation report, including its recommendation, to the
juvenile court. The district attorney general shall also be provided a copy of any report
in all cases where the investigation determines that the report of abuse was indicated.
Further proceedings shall be conducted pursuant to part 1 of this chapter, as
appropriate. If the department or team fails to make a determination that the reported

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abuse is indicated within the sixty (60) days after receiving the initial report, then the reported abuse shall be deemed unfounded.

SECTION 2. Tennessee Code Annotated, Section 37-1-406, is amended by adding the following language as a new subsection (j), and by relettering present subsections (j) and (k) as (k) and (l) respectively:

(j) Upon a determination by the department or team that the report of abuse is unfounded, or if no determination is made within sixty (60) days and, therefore, the report of abuse is deemed unfounded, the report of abuse and all other information concerning the report of abuse, including but not limited to the names and addresses of the child(ren) and accused parties, shall be expunged and removed from the department's registry and from the records of any other agency which received the report, all such records related to the report of abuse shall be destroyed.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.